FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE
Cri. WRIT PETITION NO. 2652 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders. Court's or Judge's orders

Mr. Anand Kulkarni for Petitioner.
Mr. J. N. Solanki for respondent nos. 1 to 3.

Mrs. P.H. Kantharia APP for Respondents

CORAM: B.H. MARLAPALLE
&
SMT. R.S. DALVI JJ.

DATE:07/2/2006

P.C.:

The petitioner is personally present in the court. He has moved this petition on behalf of his friend Mr. Hasanali Reyhani Alias Raihani, who was extradited by the respondent no.2 praying for a writ of habeas corpus, under Article 226 of the Constitution of India. It was claimed that Mr. Hasanali Reyhani Alias Raihani was a natural citizen of India and he was illegally asked to leave the Indian territory , though it was admitted that he held

an Iranian Passport and he had applied for Indian citizenship. During the pendency fo this petition the said Hasanali Reyhani has entered the Indian territory and disembarked at the Cochin Airport on 8.1.2006. The affidavit filed by the Assistant Commissioner of Police (I) SB-II CID , Mumbai states that information has been sought from the Director of Immigration, New Delhi, regarding the re-entry of the said Hasanali and search is on to get his custody. The petitioner Rafivllakhan son of Majid Khan appeared personally on the last two dates and stated that he would help the police authorities to obtain the custody of Hasanali Reyhani and today he states that his efforts have failed and Hasanali is absconding and / or not traceable.

As Hasanali Reyhani has re- entered the Indian Territory nothing further survives in this petition. At the same time Rafivllakhan is duty bound to assist the police in locating Hasanali Reyhani for whom he approached this court praying for a writ of habeas corpus.

We therefore reject this petition as infractuous and direct Rafivllakhan son of Majid Khan to report to the Assistant Commissioner of Police (I), SB-II CID, Mumbai, every day between 4 to 6 p.m. for a period of two weeks, so as to appraise to the same authorities regarding the whereabouts of Hasanali Reyhani. If the said Hasanali Reyhani is not traced within the period of 15 days, Rafivllakhan son of Majid Khan shall himself be made available to the police, as and when required.

(SMT. R.S. DALVI J.) (B.H. MARLAPALLE J.)